

Chapter III

Personnel Security Investigative Requirements

Section 1 -- Sensitive Positions

3-100 -- Designation of Sensitive Positions

Certain civilian positions within the Department of Defense entail duties of such a sensitive nature, including access to classified information, that the misconduct, malfeasance, or nonfeasance of an incumbent in any such position could result in an unacceptable adverse impact upon the national security. These positions are referred to in this Regulation as sensitive positions. It is vital to the national security that great care be exercised in the selection of individuals to fill such positions. Similarly, it is important that only positions which truly meet one or more of the criteria set forth in paragraph 3-101 be designated as sensitive.

3-101 -- Criteria for Security Designation of Positions

Each civilian position within the Department of Defense shall be categorized, with respect to security sensitivity, as either nonsensitive, noncritical-sensitive, or critical-sensitive.

a. The criteria to be applied in designating a position as sensitive are:

(1) ***Critical-sensitive***

- (a) Access to Top Secret information.
- (b) Development or approval of plans, policies, or programs that effect the overall operations of the Department of Defense or of a DoD Component.
- (c) Development or approval of war plans, plans or particulars of future major or special operations of war, or critical and extremely important items of war.
- (d) Investigative and certain investigative support duties, the issuance of personnel security clearances or access authorizations, or the making of personnel security determinations.
- (e) Fiduciary, public contact, or other duties demanding the highest degree of public trust.
- (f) Duties falling under Special Access programs.
- (g) Category I automated data processing (ADP) positions.
- (h) Any other position so designated by the head of the Component or designee.

(2) ***Noncritical-sensitive***

- (a) Access to Secret or Confidential information.
 - (b) Security police/provost marshal-type duties involving the enforcement of law and security duties involving the protection and safeguarding of DoD personnel and property.
 - (c) Category II automated data processing positions.
 - (d) Duties involving education and orientation of DoD personnel.
 - (e) Duties involving the design, operation, or maintenance of intrusion detection systems deployed to safeguard DoD personnel and property.
 - (f) Any other position so designated by the head of the Component or designee.
- b. All other positions shall be designated as nonsensitive.

3-102 -- Authority to Designate Sensitive Positions

The authority to designate sensitive positions is limited to those authorities designated in paragraph G, Appendix F. These authorities shall designate each position within their jurisdiction as to its security sensitivity and maintain these designations current vis-à-vis the specific duties of each position.

3-103 -- Limitation of Sensitive Positions

It is the responsibility of those authorities authorized to designate sensitive positions to insure that (1) only those positions are designated as sensitive that meet the criteria of paragraph 3-101 above and (2) that the designation of sensitive positions is held to a minimum consistent with mission requirements. Designating authorities shall maintain an accounting of the number of sensitive positions by category, i.e., critical or non-critical sensitive. Such information will be included in annual report required in Chapter XI.

3-104 -- Billet Control System for Top Secret

- a. To standardize and control the issuance of Top Secret clearances within the Department of Defense, a specific designated billet must be established and maintained for all DoD military and civilian positions requiring access to Top Secret information. Only persons occupying these billet positions will be authorized a Top Secret clearance. If an individual departs from a Top Secret billet to a billet/position involving a lower level clearance, the Top Secret clearance will be administratively rescinded. This Top Secret billet requirement is in addition to the existing billet structure maintained for SCI access.
- b. Each request to DIS for a BI or SBI that involves access to Top Secret or SCI information will require inclusion of the appropriate billet reference, on the request for investigation. Each Component head should incorporate, to the extent feasible, the Top Secret billet structure into the component Manpower Unit Manning Document. Such a procedure should minimize the time and effort required to maintain such a billet structure.

c. A report on the number of established Top Secret billets will be submitted each year to the DUSD(P) as part of the annual clearance report referred to in Chapter XI.

Section 2 -- Civilian Employment

3-200 -- General

The appointment of each civilian employee in any DoD Component is subject to investigation, except for reappointment when the break in employment is less than 12 months. The type of investigation required is set forth in this section according to position sensitivity.

3-201 -- Nonsensitive Positions

In accordance with the OPM Federal Personnel Manual, (reference (cc)) a NACI shall be requested not later than 3 working days after a person is appointed to a nonsensitive position. Although there is normally no investigation requirement for per diem, intermittent, temporary or seasonal employees in nonsensitive positions provided such employment does not exceed an aggregate of 120 days in either a single continuous or series of appointments, a NAC may be requested of DIS where deemed appropriate by the employing activity.

3-202 -- Noncritical-sensitive Positions

a. An NACI shall be requested and the NAC portion favorably completed before a person is appointed to a noncritical-sensitive position (for exceptions see paragraph 3-204). An ENTNAC, NAC or DNACI conducted during military or contractor employment may also be used for appointment provided a NACI has been requested from OPM and there is no more than 12 months break in service since completion of the investigation.

b. Seasonal employees (including summer hires) normally do not require access to classified information. For those requiring access to classified information the appropriate investigation is required. The request for the NAC (or NACI) should be submitted to DIS by entering "SH" (summer hire) in red letters approximately one inch high on the DD Form 398-2, Personnel Security Questionnaire (National Agency Checklist). Additionally, to ensure expedited processing by DIS, summer hire requests should be assembled and forwarded to DIS in bundles, when appropriate.

3-203 -- Critical-Sensitive Positions

A BI shall be favorably completed prior to appointment to critical-sensitive positions (for exceptions see paragraph 3-204). Certain critical-sensitive positions require a preappointment SBI in accordance with Section 5 of this chapter. Preappointment BIs and SBIs will be conducted by DIS.

3-204 -- Exceptions

a. *Noncritical-Sensitive*

In an emergency, a noncritical-sensitive position may be occupied pending the completion of the NACI if the head of the requesting organization finds that the delay in appointment would be harmful to the national security and such finding is reduced to writing and made part of the record. In such instances, the position may be filled only after the NACI has been requested.

b. *Critical-sensitive*

In an emergency, a critical-sensitive position may be occupied pending completion of the BI (or SBI, as appropriate) if the head of the requesting organization finds that the delay in appointment would be harmful to the national security and such finding is reduced to writing and made a part of the record. In such instances, the position may be filled only when the NAC portion of the BI (or SBI) or a previous valid NACI, NAC or ENTNAC has been completed and favorably adjudicated.

3-205 -- Mobilization of DoD Civilian Retirees

The requirements contained in paragraph 3-200 of this section, regarding the type of investigation required by position sensitivity for DoD civilian retirees temporary appointment when the break in employment is greater than 12 months, should either be expedited or waived for the purposes of mobilizing selected reemployed annuitants under the provisions of Title 5, United States Code, depending upon the degree of sensitivity of the position to which assigned. Particular priority should be afforded to newly assigned personnel assigned to the defense intelligence and security agencies with respect to granting security clearances in an expeditious manner under paragraph 3-200 of this section.

Section 3 -- Military Appointment, Enlistment, and Induction

3-300 -- General

The appointment, enlistment, and induction of each member of the Armed Forces or their Reserve Components shall be subject to the favorable completion of a personnel security investigation. The types of investigation required are set forth in this section.

3-301 -- Entrance Investigation

a. An ENTNAC shall be conducted on each enlisted member of the Armed Forces at the time of initial entry into the service. A DNACI shall be conducted on each commissioned officer, except as permitted by paragraph 3-303 of this section, warrant officer, cadet, midshipman, and Reserve Officers Training Candidate, at the time of appointment. A full NAC shall be conducted upon reentry of any of the above when there has been a break in service greater than 12 months.

b. If an officer or warrant officer candidate has been the subject of a favorable NAC or ENTNAC and there has not been a break in service of more than 12 months, a new NAC is not authorized. This includes ROTC graduates who delay entry onto active duty pending completion of their studies.

c. All derogatory information revealed during the enlistment or appointment process that results in a moral waiver will be fully explained on a written summary attached to the DD Form 398-2.

3-302 -- Reserve Components and National Guard

Reserve Component and National Guard personnel not on active duty are subject to the investigative requirements of this chapter.

3-303 -- Exceptions for Certain Commissioned Officers of Reserve Components

The requirements for entrance investigation shall be rigidly adhered to except as follows. Health professionals, chaplains, and attorneys may be commissioned in the Reserve Components prior to completion of a DNACI provided that:

- a. A DNACI is initiated at the time an application for a commission is received; and
- b. The applying health professional, chaplain, or attorney agrees in writing that, if the results of the investigation are unfavorable, he or she will be subject to discharge if found to be ineligible to hold a commission. Under this exception, commissions in Reserve Components other than the National Guard may be tendered to immigrant alien health professionals, chaplains, and attorneys.

3-304 -- Mobilization of Military Retirees

The requirements contained in paragraph 3-301 of this section, regarding a full NAC upon reentry to active duty of any officer or enlisted regular/reserve military retiree or Individual Ready Reserve who has been separated from service for a period of greater than 12 months, should be waived for the purposes of partial or full mobilization under provisions of Title 10 (Title 14, pertaining to the US Coast Guard as an element of the Navy) United States Code, to include the period of prescribed service refresher training. Particular priority should be afforded to military retirees mobilized and assigned to the defense intelligence and security agencies communities.

Section 4 -- Security Clearance

3-400 -- General

- a. The authorities designated in paragraph A, Appendix F are the only authorities authorized to grant, deny or revoke DoD personnel security clearances. The granting of such clearances shall be limited to only those persons who require access to classified information for mission accomplishment.
- b. Military, DoD civilian, and contractor personnel who are employed by or serving in a consultant capacity to the DoD, may be considered for access to classified information only when such access is required in connection with official duties. Such individuals may be granted either a final or interim personnel security clearance provided the investigative requirements set forth below are complied with, and provided further that all available information has been

adjudicated and a finding made that such clearance would be clearly consistent with the interests of national security.

3-401 -- Investigative Requirements for Clearance

a. *Top Secret*

(1) *Final Clearance*

- (a) BI
- (b) Established billet per paragraph 3-104 (except contractors)

(2) *Interim Clearance*

- (a) Favorable NAC, ENTNAC, DNACI, or NACI completed
- (b) Favorable review of DD Form 398/SF-86/SF-171/DD Form 49
- (c) BI or SBI has been initiated
- (d) Favorable review of local personnel, base/military police, medical, and other security records as appropriate.
- (e) Established billet per paragraph 3-104 (except contractors)
- (f) Provisions of paragraph 3-204 have been met regarding civilian personnel.

b. *Secret*

(1) *Final Clearance*

- (a) ***DNACI***: Military (except first-term enlistees) and contractor employees
- (b) ***NACI***: Civilian employees
- (c) ***ENTNAC***: First-term enlistees

(2) *Interim Clearance*

- (a) When a valid need to access Secret information is established, an interim Secret clearance may be issued in every case, provided that the steps outlined in subparagraphs (b) through (e) below, have been complied with.
- (b) Favorable review of DD Form 398-2/SF-85/SF-171/DD Form 48.
- (c) NACI, DNACI, or ENTNAC initiated.
- (d) Favorable review of local personnel, base military police, medical, and security records as appropriate.
- (e) Provisions of paragraph 3-204 have been complied with regarding civilian personnel.

c. ***Confidential***

(1) ***Final Clearance***

(a) ***NAC or ENTNAC***: Military and contractor employees (except for Philippine national members of the United States Navy or whom a BI shall be favorably completed.)

(b) ***NACI***: Civilian employees (except for summer hires who may be granted a final clearance on the basis of a NAC).

(2) ***Interim Clearance***

(a) Favorable review of DD Form 398-2/SF-85/SF-171/DD Form 48.

(b) NAC, ENTNAC or NACI initiated.

(c) Favorable review of local personnel, base military police, medical, and security records as appropriate.

(d) Provisions of paragraph 3-204 have been complied with regarding civilian personnel.

d. ***Validity of Previously Granted Clearances***

Clearances granted under less stringent investigative requirements retain their validity; however, if a higher degree of clearance is required, investigative requirements of this directive will be followed.

3-402 -- Access to Classified Information by Non-U.S. Citizens

a. Only U.S. citizens are eligible for a security clearance. Every effort shall be made to ensure that non-U.S. citizens are not employed in duties that may require access to classified information. However, compelling reasons may exist to grant access to classified information to an immigrant alien or a foreign national. Such individuals may be granted a "Limited Access Authorization" (LAA) in those rare circumstances where a non-U.S. citizen possesses a unique or unusual skill or expertise that is urgently needed in pursuit of a specific DoD requirement involving access to specified classified information for which a cleared or clearable U.S. citizen is not available.

b. ***Limitations***

(1) LAAs shall be limited only to individuals who have a special skill or technical expertise essential to the fulfillment of a DoD requirement that cannot reasonably be filled by a U.S. citizen.

(2) LAAs shall not be granted to personnel who perform routine administrative or other support duties, such as secretaries, clerks, drivers, or mechanics, unless it has been clearly established that those duties cannot be performed by a U.S. citizen.

(3) Personnel granted LAAs shall not be permitted uncontrolled access to areas where classified information is stored or discussed. Classified information shall be maintained in a location that will be under the continuous control and supervision of an appropriately cleared U.S. citizen.

(4) LAA personnel shall not be designated as a courier or escort for classified material outside the location in which access is permitted unless they are accompanied by an appropriately cleared U.S. person.

c. ***Authorized Access Levels***

(1) LAAs may be granted only at the ***Secret*** and ***Confidential*** level. LAAs for ***Top Secret*** are prohibited. Interim access is not authorized pending approval of a LAA.

(2) The information the non-U.S. citizen may have access to must be approved for release to the person's country or countries of citizenship, in accordance with DoD Directive 5230.11 (reference (II.)).

(3) Access to classified information shall be limited or related to a specific program or project; the LAA shall be canceled or rejustified as described herein upon completion of the program or project.

(4) Access to classified information outside the scope of the approved LAA shall be considered a compromise of classified information and shall be investigated, in accordance with DoD 5200.1-R (reference (q)).

d. ***Requirements***

(1) The LAA granting authority (Appendix F) may consider issuing an LAA only after a written determination is made that access is essential for a critical mission and no U.S. citizen is available to perform the duties.

(2) When a non-U.S. citizen who is nominated for an LAA is a citizen of a country with which the United States has an agreement providing for security assurances based on that country's investigative requirements, which are commensurate with the standards provided herein, an LAA may be issued at the requisite level.

(3) In addition to the above, a favorably completed (within the last 5 years) and adjudicated SSBI is required prior to granting an LAA. If the SSBI cannot provide full investigative coverage, a polygraph examination (if there are no host country legal prohibitions) to resolve the remaining personnel security issues (See DoD Directive 5210.48 (reference (p))), must be favorably completed before granting access.

(4) If geographical, political or medical situations prevent the full completion of the SSBI or prevent the polygraph examination to supplement a less than full SSBI, a LAA may be granted only with approval of the ASD(C3I).

(5) If an LAA is withdrawn and the individual subsequently is considered for an LAA, the provisions of this paragraph shall apply concerning an SSBI and polygraph examination. The scope of the SSBI normally shall cover the period since the previous background investigation or 10 years, whichever is shorter.

(6) A PR shall be conducted on every individual with a LAA 5 years from the date of the last PR or SSBI, as appropriate.

(7) All requests for initial LAAs shall contain a detailed justification and plan describing the following:

(a) The location of the classified material (security containers) in relationship to the location of the foreign national.

(b) The compelling reason for not employing a cleared or clearable U.S. citizen.

(c) A synopsis of an annual continuing assessment program to evaluate the individual's continued trustworthiness and eligibility for access.

(d) A plan to control access to secure areas and to classified and controlled unclassified information.

e. *LAA Determination Authority*

(1) LAA determinations may only be made by an official listed in paragraph B, Appendix F. The designated single authorizing official for the Military Departments, the Unified Combatant Commands, and the DIS precludes an LAA determination by any other official at the major command level, or equivalent.

(2) LAA determinations for employees of the Military Departments shall be the sole authority of the Secretary of the Military Department or a single designee such as the Service central adjudication facility. Field elements must submit their recommendations for access to the designated official for approval, along with affiliated information in support of the action.

(3) The Commander of a Unified Combatant Command, or single designee (flag officer or civilian equivalent) responsible for implementation of the personnel security program, shall be authorized to issue, deny, or revoke an LAA. LAA determinations by the Unified Combatant Commands shall be reported to the central adjudicative facility of the Military Department in accordance with the assigned responsibilities in DoD Directive 5100.3 (reference (mm)) for inclusion in the DCII.

(4) All LAA determinations, favorable and unfavorable, shall be entered into the DCII.

(5) The administrative action procedures in Chapter 8 do not apply to LAA determinations.

f. *Record*

(1) The LAA granting authority shall ensure that a record is created on issuance and maintained for 5 years from the date the LAA ceases. The record shall include the following:

(a) The identity of the individual granted the LAA, to include the full name, date and place of birth, current citizenship(s), any SSN, and any national identifying number issued by the individual's country or countries of citizenship;

(b) The individual's status as an immigrant alien or foreign national; if an immigrant alien, the date and place such status was granted;

(c) The classification level of the LAA; i.e., *Secret* or *Confidential*;

(d) Date and type of most recent background investigation or PR and the investigating Agency.

(e) Whether a polygraph examination was conducted; if so, the date and administering Agency for the most recent examination.

(f) The nature and identity of the classified program materials to which access is authorized and the precise duties performed.

(g) The compelling reasons for granting access to the information.

(2) All LAA SSBI and PRs shall be conducted under the auspices of the DIS and shall comply with the requirements of Appendix B. The DIS shall initiate leads to the respective Military Department investigative agencies overseas as well as the Department of State (DOS). The results of all investigations, to include those conducted by the DOS, shall be returned to the DIS for review and entry into the DCII and return to the designated granting official for adjudication. (To expedite matters, the investigation may be initiated locally provided the necessary paperwork has been submitted to the DIS for assignment of a case control number and initiation of such other checks as needed.)

(3) The Unified Combatant Commands shall report LAAs they issue to the applicable DoD Component CAF for entry into the DCII. The Unified Combatant Commands shall ensure that all investigative paperwork for the initiation of the SSBI or PR is submitted to the DIS through the designated single-approval authority responsible for adjudication and issuance of the LAA.

(4) All LAA nominees must agree to undergo a polygraph examination at any time during the period the LAA is in effect, if there is no host-country legal prohibition.

g. All LAAs shall be reviewed annually by the issuing component to determine if continued access is in compliance with DoD policy. A report on all LAAs in effect, including the data required in paragraph 3-402.f.(1) shall be furnished to the DASD(I&S) within 60 days after the end of each fiscal year (see subsection 11-102 below).

3-403 -- Access by Persons Outside the Executive Branch

- a. Access to classified information by persons outside the Executive Branch shall be accomplished in accordance with Chapter VII, DoD 5200.1-R (reference (q)). The investigative requirement shall be the same as for the appropriate level of security clearance, except as indicated below.
- b. Members of the U.S. Senate and House of Representative do not require personnel security clearances. They may be granted access to DoD classified information which relates to matters under the jurisdiction of the respective Committees to which they are assigned and is needed to perform their duties in connection with such assignments.
- c. Congressional staff members requiring access to DoD classified information shall be processed for a security clearance in accordance with DoD Directive 5142.1 (reference (oo)) and the provisions of this Regulation. The Director, Washington Headquarters Services (WHS) will initiate the required investigation (initial or reinvestigation) to DIS, adjudicate the results and grant, deny or revoke the security clearance, as appropriate. The Assistant Secretary of Defense (Legislative Affairs) will be notified by WHS of the completed clearance action.
- d. State governors do not require personnel security clearances. They may be granted access to specifically designated classified information, on a “need-to-know” basis, based upon affirmation by the Secretary of Defense or the head of a DoD Component or single designee, that access, under the circumstances, serves the national interest. Staff personnel of a governor’s office requiring access to classified information shall be investigated and cleared in accordance with the prescribed procedures of this Regulation when the head of a DoD Component, or single designee, affirms that such clearance serves the national interest. Access shall also be limited to specifically designated classified information on a “need-to-know” basis.
- e. Members of the U.S. Supreme Court, the Federal judiciary and the Supreme Courts of the individual states do not require personnel security clearances. They may be granted access to DoD classified information to the extent necessary to adjudicate cases being heard before these individual courts.
- f. Attorneys representing DoD military, civilian or contractor personnel, requiring access to DoD classified information to properly represent their clients, shall normally be investigated by DIS and cleared in accordance with the prescribed procedures in paragraph 3-401. This shall be done upon certification of the General Counsel of the DoD Component involved in the litigation that access to specified classified information, on the part of the attorney concerned, is necessary to adequately represent his or her client. In exceptional instances, when the exigencies of a given situation do not permit timely compliance with the provisions of paragraph 3-401, access may be granted with the written approval of an authority designated in Appendix F provided that as a minimum:
- (a) a favorable name check of the FBI and the DCII has been completed, and
 - (b) a DoD Non-Disclosure Agreement has been executed.

In post-indictment cases, after a judge has invoked the security procedures of the Classified Information Procedures Act (CIPA) (reference (m)), the Department of Justice may elect to

conduct the necessary background investigation and issue the required security clearance, in coordination with the affected DoD Component.

3-404 -- Restrictions on Issuance of Personnel Security Clearances

Personnel security clearances must be kept to the absolute minimum necessary to meet mission requirements.

Personnel security clearances shall normally not be issued:

- a. To persons in nonsensitive positions.
- b. To persons whose regular duties do not require authorized access to classified information.
- c. For ease of movement of persons within a restricted, controlled, or industrial area, whose duties do not require access to classified information.
- d. To persons who may only have inadvertent access to sensitive information or areas, such as guards, emergency service personnel, firemen, doctors, nurses, police, ambulance drivers, or similar personnel.
- e. To persons working in shipyards whose duties do not require access to classified information.
- f. To persons who can be prevented from accessing classified information by being escorted by cleared personnel.
- g. To food service personnel, vendors and similar commercial sales or service personnel whose duties do not require access to classified information.
- h. To maintenance or cleaning personnel who may only have inadvertent access to classified information unless such access cannot be reasonably prevented.
- i. To persons who perform maintenance on office equipment, computers, typewriters, and similar equipment who can be denied classified access by physical security measures.
- j. To perimeter security personnel who have no access to classified information.
- k. To drivers, chauffeurs and food service personnel.

3-405 -- Dual Citizenship

Persons claiming both U.S. and foreign citizenship shall be processed: under paragraph 3-401, above, and adjudicated in accordance with the "Foreign Preference" standard in Appendix I.

3-406 -- One-Time Access

Circumstances may arise where an urgent operational or contractual exigency exists for cleared DoD personnel to have one-time or short duration access to classified information at a higher

level than is authorized by the existing security clearance. In many instances, the processing time required to upgrade the clearance would preclude timely access to the information. In such situations, and only for compelling reasons in furtherance of the DoD mission, an authority referred to in subparagraph a., below, may grant higher level access on a temporary basis subject to the terms and conditions prescribed below. This special authority may be revoked for abuse, inadequate record keeping, or inadequate security oversight. These procedures do not apply when circumstances exist which would permit the routine processing of an individual for the higher level clearance. Procedures and conditions for effecting emergency one-time access to the next higher classification level are as follows:

- a. Authorization for such one-time access shall be granted by a flag or general officer, a general court martial convening authority or equivalent Senior Executive Service member, after coordination with appropriate security officials.
- b. The recipient of the one-time access authorization must be a U.S. citizen, possess a current DoD security clearance, and the access required shall be limited to classified information one level higher than the current clearance.
- c. Such access, once granted, shall be canceled promptly when no longer required, at the conclusion of the authorized period of access, or upon notification from the granting authority.
- d. The employee to be afforded the higher level access shall have been continuously employed by a DoD Component or a cleared DoD contractor for the preceding 24-month period. Higher level access is not authorized for part-time employees.
- e. Pertinent local records concerning the employee concerned shall be reviewed with favorable results.
- f. Whenever possible, access shall be confined to a single instance or at most, a few occasions. The approval for access shall automatically expire 30 calendar days from date access commenced. If the need for access is expected to continue for a period in excess of 30 days, written approval of the granting authority is required. At such time as it is determined that the need for access is expected to extend beyond 90 days, the individual concerned shall be promptly processed for the level of clearance required. When extended access has been approved, such access shall be canceled at or before 90 days from original date of access.
- g. Access at the higher level shall be limited to information under the control and custody of the authorizing official and shall be afforded under the general supervision of a properly cleared employee. The employee charged with providing such supervision shall be responsible for:
 - (1) recording the higher-level information actually revealed,
 - (2) the date(s) such access is afforded, and
 - (3) the daily retrieval of the material accessed.
- h. Access at the next higher level shall not be authorized for COMSEC, SCI, NATO, or foreign government information.

i. The exercise of this provision shall be used sparingly and repeat use within any 12 month period on behalf of the same individual is prohibited. The approving authority shall maintain a record containing the following data with respect to each such access approved:

- (1) The name, and SSN of the employee afforded higher level access.
- (2) The level of access authorized.
- (3) Justification for the access, to include an explanation of the compelling reason to grant the higher level access and specifically how the DoD mission would be furthered.
- (4) An unclassified description of the specific information to which access was authorized and the duration of access along with the date(s) access was afforded.
- (5) A listing of the local records reviewed and a statement that no significant adverse information concerning the employee is known to exist.
- (6) The approving authority's signature certifying (1) through (5), above.
- (7) Copies of any pertinent briefings/debriefings administered to the employee.

3-407 -- Access by Retired Flag and/or General Officers

a. Upon determination by an active duty flag/general officer that there are compelling reasons, in furtherance of the Department of Defense mission, to grant a retired flag/general officer access to classified information in connection with a specific DoD program or mission, for a period not greater than 90 days, the investigative requirements of this Regulation may be waived. The access shall be limited to classified information at a level commensurate with the security clearance held at the time of retirement -- not including access to SCI.

b. The flag/general officer approving issuance of the clearance shall, provide the appropriate DoD Component central clearance facility a written record to be incorporated into the DCII detailing:

- (1) Full identifying data pertaining to the cleared subject;
- (2) The classification of the information to which access was authorized.

c. Such access may be granted only after the compelling reason and the specific aspect of the DoD mission which is served by granting such access has been detailed and under the condition that the classified materials involved are not removed from the confines of a government installation or other area approved for storage of DoD classified information.

Section 5 -- Special Access Programs

3-500 -- General

It is the policy of the Department of Defense to establish, to the extent possible, uniform and consistent personnel security investigative requirements. Accordingly, investigations exceeding

established requirements are authorized only when mandated by statute, national regulations, or international agreement or Executive Order 12968 or its successor. In this connection, there are certain special access programs (SAPs) originating at the national or international level that require personnel security investigations and procedures of a special nature. Those programs and the special investigative requirements imposed by them are described in this section. A SAP is any program designed to control access, distribution, and protection of particularly sensitive information established pursuant to E.O. 12958 (reference (j)) and prior Executive orders. DoD Directive O-5205.7 (reference (qq)) prescribes policy and procedures for establishment, administration and reporting of Departmental SAPs.

3-501 -- Sensitive Compartmented Information (SCI)

- a. The investigative requirements for access to SCI is an SBI (See paragraph 4, Appendix B) including a NAC on the individual's spouse or cohabitant. When conditions indicate, additional investigation shall be conducted on the spouse of the individual and members of the immediate family (or other persons to whom the individual is bound by affection or obligation) to the extent necessary to permit a determination by the adjudication agency that the Personnel Security standards of DCID 1/14 (reference (1)) are met.
- b. A previous investigation conducted within the past five years which substantially meets the investigative requirements prescribed by this section may serve as a basis for granting access approval provided that there has been no break in the individual's military service, DoD civilian employment, or access to classified information under the Industrial Security Program greater than 24 months. The individual shall submit one copy of an updated PSQ covering the period since the completion of the last SBI and/or SSBI and certify any substantive changes that may have occurred.
- c. In accordance with DCID 1/14 (reference (1)), a ***Top Secret*** security clearance shall not be a prerequisite for access to SCI. Determination of eligibility for access to SCI under reference (1) shall include eligibility for access to ***Top Secret*** and below.

3-502 -- Single Integrated Operational Plan-Extremely Sensitive Information (SIOP-ESI)

The investigative requirement for access to SIOP-ESI is an SBI, including a NAC on the spouse and the individual's immediate family who are 18 years of age or over and who are United States citizens other than by birth or who are resident aliens.

3-503 -- Presidential Support Activities

- a. DoD Directive 5210.55 (reference (r)) prescribes the policies and procedures for the nomination, screening, selection, and continued evaluation of DoD military and civilian personnel and contractor employees assigned to or utilized in Presidential Support activities. The type of investigation of individuals assigned to Presidential Support activities varies according to whether the person investigated qualifies for Category One or Category Two as indicated below:

(1) *Category One*

(a) Personnel assigned on a permanent or full-time basis to duties in direct support of the President (including the office staff of the Director, White House Military Office, and all individuals under his control):

1. Presidential air crew and associated maintenance and security personnel.
2. Personnel assigned to the White House communications activities and the Presidential retreat.
3. White House transportation personnel.
4. Presidential mess attendants and medical personnel.
5. Other individuals filling administrative positions at the White House.

(b) Personnel assigned on a temporary or part-time basis to duties supporting the President:

1. Military Social Aides.
2. Selected security, transportation, flight-line safety, and baggage personnel.
3. Others with similar duties.

(c) Personnel assigned to the Office of the Military Aide to the Vice President.

(2) *Category Two*

(a) Personnel assigned to honor guards, ceremonial units, and military bands who perform at Presidential functions and facilities.

(b) Employees of contractors who provide services or contractors employees who require unescorted access to Presidential Support areas, activities, or equipment -- including maintenance of the Presidential retreat, communications, and aircraft.

(c) Individuals in designated units requiring a lesser degree of access to the President or Presidential Support activities.

b. Personnel nominated for Category One duties must have been the subject of an SBI, including a NAC on the spouse and all members of the individual's immediate family of 18 years of age or over who are United States citizens other than by birth or who are resident aliens. The SBI must have been completed within the 12 months preceding selection for Presidential Support duties. If such an individual marries subsequent to the completion of the SBI, the required spouse check shall be made at that time.

c. Personnel nominated for Category Two duties must have been the subject of a BI, including a NAC on the spouse and all members of the individual's immediate family of 18 years of age or over who are United States citizens other than by birth or who are resident aliens. The BI must have been completed within the 12 months preceding selection for Presidential Support duties. It should be noted that duties (separate and distinct from their Presidential Support responsibilities)

of some Category Two personnel may make it necessary for them to have special access clearances which require an SBI.

d. The U.S. citizenship of foreign-born immediate family members of all Presidential Support nominees must be verified by investigation.

e. A limited number of Category One personnel having especially sensitive duties have been designated by the Director, White House Military Office as "Category A." These personnel shall be investigated under special scoping in accordance with the requirements of reference (jj).

3-504 -- Nuclear Weapon Personnel Reliability Program (PRP)

a. DoD Directive 5210.42 (reference(s)) sets forth the standards of individual reliability required for personnel performing duties associated with nuclear weapons and nuclear components. The investigative requirement for personnel performing such duties is:

(1) ***Critical Position:*** BI. In the event that it becomes necessary to consider an individual for a critical position and the required BI has not been completed, interim certification may be made under carefully controlled conditions as set forth below.

(a) The individual has had a favorable DNACI, NAC (or ENTNAC) within the past 5 years without a break in service or employment in excess of 1 year.

(b) The BI has been requested.

(c) All other requirements of the PRP screening process have been fulfilled.

(d) The individual is identified to supervisory personnel as being certified on an interim basis.

(e) The individual is not used in a two-man team with another such individual.

(f) Justification of the need for interim certification is documented by the certifying official.

(g) Should the BI not be completed within 150 days from the date of the request, the certifying official shall query the Component clearance authority, who shall ascertain from DIS the status of the investigation. On the basis of such information, the certifying official shall determine whether to continue or to withdraw the interim certification.

(2) ***Controlled Position: DNACI/NACI***

(a) An ENTNAC completed for the purpose of first term enlistment or induction into the Armed Forces does not satisfy this requirement.

(b) Interim certification is authorized for an individual who has not had a DNACI/NACI completed within the past 5 years, subject to the following conditions:

1. The individual has had a favorable ENTNAC/NAC, or higher investigation, that is more than 5 years old and has not had a break in service or employment in excess of 1 year.
2. A DNACI/NACI has been requested at the time of interim certification.
3. All other requirements of the PRP screening process have been fulfilled.
4. Should the DNACI/NACI not be completed within 90 days from the date of the request, the procedures set forth in a(1)(g), above, for ascertaining the delay of the investigation in the case of a critical position shall apply.

(3) ***Additional requirements apply.***

- (a) The investigation upon which certification is based must have been completed within the last 5 years from the date of initial assignment to a PRP position and there must not have been a break in service or employment in excess of 1 year between completion of the investigation and initial assignment.
- (b) In those cases in which the investigation was completed more than 5 years prior to initial assignment or in which there has been a break in service or employment in excess of 1 year subsequent to completion of the investigation, a reinvestigation is required.
- (c) Subsequent to initial assignment to the PRP, reinvestigation is not required so long as the individual remains in the PRP
- (d) A medical evaluation of the individual as set forth in DoD Directive 5210.42 (reference(s)).
- (e) Review of the individual's personnel file and other official records and information locally available concerning behavior or conduct which is relevant to PRP standards.
- (f) A personal interview with the individual for the purpose of informing him of the significance of the assignment, reliability standards, the need for reliable performance, and of ascertaining his attitude with respect to the PRP.
- (g) Service in the Army, Navy and Air Force Reserve does not constitute active service for PRP purposes.

3-505 -- Access to North Atlantic Treaty Organization (NATO) Classified Information

- a. Personnel assigned to a NATO staff Position requiring access to ***NATO Cosmic (Top Secret)s Secret or Confidential*** information shall have been the: subject of a favorably adjudicated BI (10 year scope), DNACI/NACI or NACI ENTNAC, current within five years prior to the assignment, in accordance with USSAN Instruction 1-69 (reference (kk)) and paragraph 3-705 below.

b. Personnel not assigned to a NATO staff position, but requiring access to *NATO COSMIC, Secret or Confidential* information in the normal course of their duties, must possess the equivalent final U.S. security clearance based upon the appropriate personnel security investigation (Appendix B) required by paragraph 3-401 and 3-709 of this Regulation.

3-506 -- Other Special Access Programs (SAPs)

Special investigative requirements for SAPs not provided for in this paragraph may be established only as part of the written program approval of the Deputy Secretary of Defense in accordance with the SAP approval process prescribed for in DoD Directive O-5205.7 (reference (qq)).

Section 6 -- Certain Positions Not Necessarily Requiring Access to Classified Information

3-600 -- General

DoD Directive 5200.8 (reference (t)) outlines the authority of military commanders under the Internal Security Act of 1950 to issue orders and regulations for the protection of property or places under their command. Essential to carrying out this responsibility is a commander's need to protect the command against the action of untrustworthy persons. Normally, the investigative requirements prescribed in this Regulation should suffice to enable a commander to determine the trustworthiness of individuals whose duties require access to classified information or appointment to positions that are sensitive and do not involve such access. However, there are certain categories of positions or duties which, although not requiring access to classified information, if performed by untrustworthy persons, could enable them to jeopardize the security of the command or otherwise endanger the national security. The investigative requirements for such positions or duties are detailed in this section.

3-601 -- Access to Restricted Areas, Sensitive Information or Equipment Not Involving Access to Classified Information

a. Access to restricted areas, sensitive information or equipment by DoD military, civilian or contractor personnel shall be limited to those individuals who have been determined trustworthy as a result of the favorable completion of a NAC (or ENTNAC) or who are under the escort of appropriately cleared personnel. Where escorting such persons is not feasible, a NAC shall be conducted and favorably reviewed by the appropriate component agency or activity prior to permitting such access. DoD Components shall not request, and shall not direct or permit their contractors to request, security clearances to permit access to areas when access to classified information is not required in the normal course of duties or which should be precluded by appropriate security measures. In determining trustworthiness under this paragraph, the provisions of paragraph 2-200 and Appendix I will be utilized.

b. In meeting the requirements of this paragraph, approval shall be obtained from one of the authorities designated in paragraph A, Appendix F of this Regulation, for authority to request NACs on DoD military, civilian or contractor employees. A justification shall accompany each request which shall detail the reasons why escorted access would not better serve the national

security. Requests for investigative requirements beyond a NAC shall be forwarded to the Deputy Under Secretary of Defense for Policy for approval.

c. *NAC requests shall*

- (1) be forwarded to DIS in accordance with the provisions of paragraph B, Appendix C,
- (2) contain a reference to this paragraph on the DD Form 398-2, and
- (3) list the authority in Appendix F who approved the request.

d. Determinations to deny access under the provisions of this paragraph must not be exercised in an arbitrary, capricious, or discriminatory manner and shall be the responsibility of the military or installation commander as provided for in DoD Directive 5200.8 (reference (t)).

3-602 -- Nonappropriated Fund Employees

Each Nonappropriated Fund employee who is employed in a position of trust as designated by an official authorized in paragraph H, Appendix F, shall have been the subject of a NAC completed no longer than 12 months prior to employment or a prior personnel security investigation with no break in Federal service or employment greater than 12 months in accordance with DoD Manual 1401.1-M, (reference (u)). An individual who does not meet established suitability requirements may not be employed without prior approval of the authorizing official. Issuance of a ***Confidential or Secret*** clearance will be based on a DNACI or NACI in accordance with paragraph 3-401.

3-603 -- Customs Inspectors

DoD employees appointed as customs inspectors, under waivers approved in accordance with DoD 5030.49-R (reference (v)), shall have undergone a favorably adjudicated NAC completed within the past 5 years unless there has been a break in DoD employment greater than 1 year in which case a current NAC is required.

3-604 -- Red Cross/United Service Organizations Personnel

A favorably adjudicated NAC shall be accomplished on Red Cross or United Service Organizations personnel as prerequisite for assignment with the Armed Forces overseas (DoD Directive 5210.25 (reference (w))).

3-605 -- Officials Authorized to Issue Security Clearances

Any person authorized to adjudicate personnel security clearances shall have been the subject of a favorably adjudicated BI.

3-606 -- Personnel Security Clearance adjudication Officials

Any person selected to serve with a board, committee, or other group responsible for adjudicating personnel security cases shall have been the subject of a favorably adjudicated BI.

3-607 -- Persons Requiring DoD Building Passes

Pursuant to DoD Directive 5210.46 (reference (z)), each person determined by the designated authorities of the Components concerned as having an official need for access to DoD buildings in the National Capital Region shall be the subject of a favorably adjudicated NAC prior to issuance of a DoD building pass. Conduct of a BI for this purpose is prohibited unless approved in advance by ODUSD(P).

3-608 -- Foreign National Employees Overseas Not Requiring Access to Classified Information

Foreign nationals employed by DoD organizations overseas, whose duties do not require access to classified information, shall be the subject of the following record checks, initiated by the appropriate military department investigative organization consistent with paragraph 2-404, prior to employment:

- a. Host government law enforcement and security agency checks at the city, state (province), and national level, whenever permissible by the laws of the host government; and
- b. DCII
- c. FBI-HQ/ID (Where information exists regarding residence by the foreign national in the United States for one year or more since age 18)

3-609 -- Special Agents and Investigative Support Personnel

Special agents and those noninvestigative personnel assigned to investigative agencies whose official duties require continuous access to complete investigative files and material require an SBI.

3-610 -- Persons Requiring Access to Chemical Agents

Personnel whose duties involve access to or security of chemical agents shall be screened initially for suitability and reliability and shall be evaluated on a continuing basis at the supervisory level to ensure that they continue to meet the high standards required. At a minimum, all such personnel shall have had a favorably adjudicated NAC completed within the last 5 years prior to assignment in accordance with the provisions of DoD Directive 5210.65 (reference (y)).

3-611 -- Education and Orientation Personnel

Persons selected for duties in connection with programs involving the education and orientation of military personnel shall have been the subject of a favorably adjudicated NAC prior to such assignment. This does not include teachers/administrators associated with university extension courses conducted on military installations in the United States. Non-US citizens from a country listed in Appendix H shall be required to undergo a BI if they are employed in a position covered by this paragraph.

3-612 -- Contract Guards

Any person performing contract guard functions shall have been the subject of a favorably adjudicated NAC prior to such assignment.

3-613 -- Transportation of Arms, Ammunition and Explosives (AA&E)

Any DoD military, civilian or contract employee (including commercial carrier) operating a vehicle or providing security to a vehicle transporting Category I, II or ***Confidential*** AA&E shall have been the subject of a favorably adjudicated NAC or ENTNAC.

3-614 -- Personnel Occupying Information Systems Positions Designated ADP-I, ADP-II & ADP-III.

DoD military, civilian personnel, consultants, and contractor personnel performing on unclassified automated information systems may be assigned to one of three position sensitivity designations (in accordance with Appendix K) and investigated as follows:

ADP-I:	BI
ADP-II:	DNACI/NACI
ADP-III:	NAC/ENTNAC

Those personnel falling in the above categories who require access to classified information will, of course, be subject to the appropriate investigative scope contained in paragraph 3-401, above.

3-615 -- Others

Requests for approval to conduct an investigation on other personnel, not provided for in paragraphs 3-601 through 3-614, above, considered to fall within the general provisions of paragraph 3-600 above, shall be submitted, detailing the justification therefor, for approval to the Deputy Under Secretary of Defense for Policy. Approval of such requests shall be contingent upon an assurance that appropriate review procedures exist and that adverse determinations will be made at no lower than major command level.

Section 7 -- Reinvestigation

3-700 -- General

DoD policy prohibits unauthorized and unnecessary investigations. There are, however, certain situations and requirements that necessitate reinvestigation of an individual who has already been investigated under the provisions of this Regulation. It is the policy to limit reinvestigation of individuals to the scope contained in paragraph 5, Appendix B to meet overall security requirements. Reinvestigation, generally, is authorized only as follows:

- a. To prove or disprove an allegation relating to the criteria set forth in paragraph 2-200 of this Regulation with respect to an individual holding a security clearance or assigned to a position that requires a trustworthiness determination;
- b. To meet the periodic reinvestigation requirements of this regulation with respect to those security programs enumerated below; and
- c. Upon individual request, to assess the current eligibility of individuals who did not receive favorable adjudicative action after an initial investigation, if a potential clearance need exists and there are reasonable indications that the factors upon which the adverse determination was made no longer exists.

3-701 -- Allegations Related to Disqualification

Whenever questionable behavior patterns develop, derogatory information is discovered, or inconsistencies arise related to the disqualification criteria outlined in paragraph 2-200 that could have an adverse impact on an individual's security status, a Special Investigative Inquiry (SII), psychiatric, drug or alcohol evaluation, as appropriate, may be requested to resolve all relevant issues in doubt. If it is essential that additional relevant personal data is required from the investigative subject, and the subject fails to furnish the required data, the subject's existing security clearance or assignment to sensitive duties shall be terminated in accordance with paragraph 8-201 of this Regulation.

3-702 -- Access to Sensitive Compartmented Information (SCI)

Each individual having current access to SCI shall be the subject of a PR conducted on a 5-year recurring basis scoped as set forth in paragraph 5, Appendix B.

3-703 -- Critical-sensitive Positions

Each DoD civilian employee occupying a critical sensitive position shall be the subject of a PR conducted on a 5-year recurring basis scoped as set forth in paragraph 5, Appendix B.

3-704 -- Presidential Support Duties

Each individual assigned Presidential Support duties shall be the subject of a PR conducted on a 5-year recurring basis scoped as set forth in paragraph 5, Appendix B.

3-705 -- NATO Staff

Each individual assigned to a NATO staff position requiring a COSMIC clearance shall be the subject of a PR conducted on a 5-year recurring basis scoped as set forth in paragraph 5, Appendix B. Those assigned to a NATO staff position requiring a NATO SECRET clearance shall be the subject of a new NAC conducted on a 5-year recurring basis.

3-706 -- Extraordinarily Sensitive Duties

In extremely limited instances, extraordinary national security implications associated with certain SCI duties may require very special compartmentation and other special security measures. In such instances, a Component SOIC may, with the approval of the Deputy Under Secretary of Defense for Policy, request PR's at intervals of less than 5 years as outlined in paragraph 5, Appendix B. Such requests shall include full justification and a recommendation as to the desired frequency. In reviewing such requests, the Deputy Under Secretary of Defense for Policy shall give due consideration to:

- a. The potential damage that might result from the individual's defection or abduction.
- b. The availability and probable effectiveness of means other than reinvestigation to evaluate factors concerning the individual's suitability for continued SCI access.

3-707 -- Foreign Nationals Employed by DoD Organizations Overseas

Foreign nationals employed by DoD organizations overseas who have been granted a "Limited Access Authorization" pursuant to paragraph 3-402 shall be the subject of a PR, as set forth in paragraph 5, Appendix B, conducted under the auspices of DIS by the appropriate military department or other U.S. Government investigative agency consistent with paragraph 2-404 and Appendix J of this Regulation.

3-708 -- Persons Accessing Very Sensitive Information Classified Secret

- a. Heads of DoD Components shall submit a request to the Deputy Under Secretary of Defense for Policy for approval to conduct periodic reinvestigations on persons holding Secret clearances who are exposed to very sensitive Secret information.
- b. Generally, the Deputy Under Secretary of Defense for Policy will only approve periodic reinvestigations of persons having access to Secret information if the unauthorized disclosure of the information in question could reasonably be expected to:

- (1) Jeopardize human life or safety.
- (2) Result in the loss of unique or uniquely productive intelligence sources or methods vital to U.S. security.
- (3) Compromise technologies, plans, or procedures vital to the strategic advantage of the United States.

- c. Each individual accessing very sensitive Secret information who has been designated by an authority listed in paragraph A, Appendix F as requiring periodic reinvestigation, shall be the subject of a PR conducted on a 5-year recurring basis scoped as stated in paragraph 5, Appendix B.

3-709 -- Access to Top Secret Information

Each individual having current access to Top Secret information shall be the subject of a PR conducted on a 5-year recurring basis scoped as outlined in paragraph 5, Appendix B.

3-710 -- Personnel Occupying Computer Positions Designated ADP-1

All DoD military, civilians, consultants, and contractor personnel occupying computer positions designated ADP-I, shall be the subject of a PR conducted on a 5-year recurring basis as set forth in paragraph 5, Appendix B.

Section 8 -- Authority to Waive Investigative Requirements

3-800 -- Authorized Officials

Only an official designated in paragraph G, Appendix F, is empowered to waive the investigative requirements for appointment to a sensitive position, assignment to sensitive duties or access to classified information pending completion of the investigation required by this chapter. Such waiver shall be based upon certification in writing by the designated official that such action is necessary to the accomplishment of a DoD mission. A minor investigative element that has not been met should not preclude favorable adjudication -- nor should this require a waiver when all other information developed on an individual during the course of a prescribed investigation is favorable.